

Notice of Allowability

Application No.

10/760,162

Examiner

William L. Miller

Applicant(s)

HUNTER, STANFIELD L.

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to unentered amendment received 01-12-2006.
2. ☒ The allowed claim(s) is/are 8-10.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 20060719.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20060719.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Response to Amendment

1. The amendment filed 01-12-2006 has not been entered as it fails to comply with 37 CFR 1.121.

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Stanfield Hunter on 07-19-2006.

The application has been amended as follows:

In the abstract:

Line 1, change ". Comprising" to --comprising--;

Line 8, change "A" to --The--; and

Line 9, delete both recitations of "that".

In the specification:

Page 11, line 5, before "cover" insert --site-- and before "frame" insert --cover--;

Page 11, line 8, delete "grave";

Page 11, line 9, after "40" insert --cover-- and delete "grave site";

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Page 11, line 10, change “site” to --cover--;

Page 11, line 11, delete first and second recitations of “grave” and before “frame” insert --cover--;

Page 11, line 12, after “marker” insert --frame--;

Page 11, line 13, delete first recitation of “grave”; and

Page 11, line 14, after “marker” insert --frame-- and change “designedcover” to --head marker cover--.

In the claims:

Cancel claims 1-7;

Add the following new claims 8-10:

8. (New) A grave site cover for placement over a grave site, said grave site cover comprising:

a plurality of plastic tubes;

a plurality of plastic joint fittings;

said tubes being joined by said fittings to define a grave cover frame and a head marker frame, said head marker frame being joined to said grave cover frame such that said head marker frame is raised relative to said grave cover frame;

an artificial turf covering including a portion defining a head marker cover having a transparent identification insert on a surface thereof;

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means for attaching said artificial turf covering to said grave cover frame and said head marker frame to cover said grave cover frame and said head marker frame, said head marker cover enclosing said head marker frame; and

a plurality of anchor stakes for securing said grave site cover to the ground and over the grave site.

9. (New) A grave site cover as defined in claim 8, wherein said means for attaching comprises self-tapping stainless steel screws.

10. (New) A grave site cover as defined in claim 8, wherein said anchor stakes are attached to an underside of said grave cover frame at the corresponding joint fittings.

3. The following changes to the drawings have been approved by the examiner and agreed upon by applicant:

In Figure 1:

Move reference numeral 12 down the grave site cover to better point to the grave cover frame;

Add reference numeral 11 to point to the head marker frame; and

Add reference numeral 32 to corresponding plastic tube(s) extending between fittings 22 and 34).

In Figure 2:

Change reference numeral 40 to 38; and

Add reference numeral 40 to point to the head marker cover.

In Figure 3:

Delete reference numeral 10; and

Delete right-most reference numeral 40.

In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

4. The following is an examiner's statement of reasons for allowance: Regarding claim 8, Weber-Illig (US#873279) represents the closest prior art of record. Weber-Illig discloses a grave site cover for placement over a grave site, said grave site cover comprising: a grave cover frame 4,5,7 and a head marker frame 12 each made of wire, said head marker frame being joined to said grave cover frame such that said head marker frame is raised relative to said grave cover frame; a wire mesh covering 2,3 including a portion 11 defining a head marker cover having an identification insert 15 on a surface thereof; means for attaching said covering to said grave cover frame and said head marker frame to cover said grave cover frame and said head marker frame, said head marker cover enclosing said head marker frame; and a plurality of anchor stakes 10 for securing said grave site cover to the ground and over the grave site.

5. Weber-Illig fails to disclose the following: the grave cover frame and head marker frame comprising a plurality of plastic tubes and joint fittings; the covering being artificial turf; and a transparent identification insert on the head marker cover. It would not have been obvious to one of ordinary skill in the art to modify Weber-Illig to include the above deficiencies.

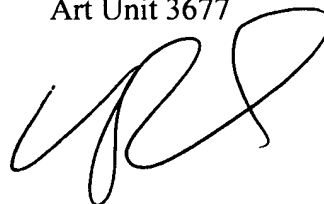
6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Miller whose telephone number is (571) 272-7068. The examiner can normally be reached on Tuesday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

William L. Miller
Primary Examiner
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WLM